IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 4TH AUGUST 2006 / 13TH SRAVANA 1928

Bail Appl..No. 4683 of 2006

CRIME NO.380/2006 OF THIRUVALLA POLICE STATION

APPLICANT/ACCUSED

PHILIP MATHEW,S/O.MATHAI PHILIPOSE,
KIZHAKKEKARA VEEDU, PADINJATTUMSSERI MURI,
KAVIYOOR, THIRUVALLA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4683/2006

DATED THIS THE 4TH DAY OF AUGUST, 2006

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C., in crime No.380/2006 of Thiruvalla police Station. The offence alleged against him, at the instance of his wife, is under Section 498A.

2. The learned counsel for the petitioner submitted that the petitioner is an autorikshaw driver. His wife became pregnant, as they both lived together as husband and wife, for three years, after their marriage. The complainant, wife, put up a strange demand before the petitioner that she be allowed to abort her pregnancy and go as a house maid to Gulf country, for employment. This had been refused by the petitioner. That led the defacto complainant to get the crime registered, at her instance.

3. The learned Public Prosecutor, upon instructions, and on going through the C.D.File

submitted that the defacto complainant was admitted in the hospital and the F.I. statement was recorded by Thiruvalla Police Station constable and no wound certificate is attached with the C.D.File. However, from the body mahazar of the defacto complainant, who was admitted in the hospital, it is seen that she had pain all over the body.

4. In the above facts situation of the case, I direct the petitioner to appear before the Investigating Officer on 9.8.2006 at 10.00 a.m. The investigating Officer shall interrogate him and thereafter, produce him before the Court below, before 4.00 p.m on the same day. The learned Magistrate shall release the petitioner on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs